

# Exhibit D

**IN THE DISTRICT COURT  
FOR THE UNITED STATES OF AMERICA  
WESTERN DISTRICT OF TENNESSEE**

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EDWARD ALAN YEARTA, )

Plaintiff, )

vs. )

Civil Action No.: 2:17-cv-2117  
JURY DEMAND

AMUSEMENTS OF AMERICA, INC.; )  
DELTA FAIR, INC.; UNIVERSAL FAIRS, )  
LLC; and BELLE CITY AMUSEMENTS, )  
INC. )

Defendants. )

AMUSEMENTS OF AMERICA, INC., )

Cross-claim Plaintiff )

v. )

BELLE CITY AMUSEMENTS, INC., )

Cross-claim Defendant. )

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**PLAINTIFF EDWARD ALAN YEARTA RESPONSES TO  
AMUSEMENTS OF AMERICA, INC.'S FIRST SET OF INTERROGATORIES**

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Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the Plaintiff Edward Alan Yearta hereby provides his answers to defendant's First Set of Interrogatories as set forth herein.

Responding party has not completed his discovery, investigation or preparation of this case for trial. Accordingly, the responses set forth herein are provided without prejudice to plaintiff's right to produce evidence of any subsequently discovered facts or interpretations

of all actions taken by the Plaintiff, his employer, and all other parties involved in the alleged events.

**OBJECTION:** The parties have not completed the discovery, investigation, or preparation of this case. Accordingly, the responses set forth herein are provided without prejudice to the Plaintiff's right to produce evidence of any subsequently discovered facts and/or to add to, modify, or otherwise change, amend, or supplement the responses herein at any point, up to and including trial.

**ANSWER:** Subject to and without waiving said objection:

My memory of the day and of the incident is not perfect. However, Robbie and his men marked off the locations for all the rides and stuff. Once they marked the location then we bring the rides out there.

I remember the sound of the generator.

I was working the hydraulics to level the Alpine Bob ride; you block up the center load. I told everybody else to get off the trailer in case something slipped.

The guys working on the Ring of Fire were raising it one section at a time and talking back and forth. The Ring of Fire struck a high-voltage power line. I remember seeing the guy who works the Ring of Fire at the controls of the Ring of Fire. I remember being frozen to the controls of the Alpine Bob ride for what seemed like a very long time.

When the electricity finally released me, I remember crawling off the ride and onto a nearby seat or bench. I was in so much pain. I later learned that my foot was on fire and that someone called 911.

There is nothing I could have done to avoid injury. My ride was where Amusements of America had marked off for its location and I was where I should have

been at the time I was injured. One minute, I was doing my job. The next, I was being painfully electrocuted. While I was being electrocuted, I didn't have control over my body. There is no action I could have taken no matter how hard I tried. It was a terrible, painful, and helpless feeling that will stay with me for the rest of my life.

**INTERROGATORY NO. 8:** State every activity in which you participated (identifying every location you visited, and each person known to you who was present) during the twenty-four (24) hours preceding the August 30, 2016 events alleged in the First Amended Complaint.

**ANSWER:** They hadn't gotten us a room, so I was sleeping in a truck. We had to tear down in Lebanon, Tennessee, and I think I pulled a couple of loads from Lebanon to Memphis. Because of the accident I don't clearly remember all of this. I think we started around 9:00 that morning.

I don't specifically recall conversations with anyone one that day.

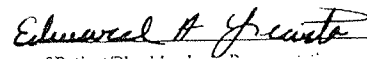
About noon or 1:00, Josh had us knock off for lunch because it was too hot. I got back around 6:00 p.m. and got hurt right after that.

**INTERROGATORY NO. 9:** State whether during the twenty-four (24) hours immediately preceding the August 30, 2016 events alleged in the First Amended Complaint you consumed any alcoholic beverages, medications (whether prescription or non-prescription), or any other drugs of any kind. If so, identify the nature of the alcohol or medication/drug, the amount(s) consumed, the time(s) of consumption, and the source(s) from which you obtained the alcohol or medication/drug.

**ANSWER:** No.

**OATH**

I, Edward Alan Yearta, according to law, verify under penalty of perjury that I have read and understand the foregoing Answers to Interrogatories and that they are true and correct to the best of my knowledge, information and belief.



Edward Alan Yearta

Date: 12/29/2017

Respectfully submitted,

KINNARD, CLAYTON & BEVERIDGE

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served upon counsel by U.S. Mail, first class postage prepaid, and by e-mail as listed below:

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on this 9<sup>th</sup> day of January, 2018.

/s/Randall L. Kinnard